

Application No. 10/031,509
Paper Dated: November 3, 2003
In Reply to USPTO Correspondence of November 3, 2003
Attorney Docket No. 702-020040

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/031,509
Applicant : Eric Paul Krenning et al.
Filed : May 21, 2002
Title : Inhibition of Renal Uptake of Molecules that are Potentially Damaging for the Kidney
Group Art Unit : 1617
Examiner : Shahnam J. Sharareh

ELECTION

MAIL STOP NON-FEE AMENDMENT
Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This election is in response to the Office Action dated October 3, 2003. Applicants hereby elect the specie represented by the first compound's being lysine and the second compound's being arginine. All of pending claims 21-52 read upon the elected species.

The following clarification is intended to assist the Examiner and any docketing personnel who examine this Election. All of the pending claims 21-52 recite, or depend from a claim which recites, both a first compound and a second compound in the method and composition claims. The invention therefore never inheres in the selection of either a first

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Kimberly N. Welday
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Signature

Date

Kimberly N. Welday 11/03/2003

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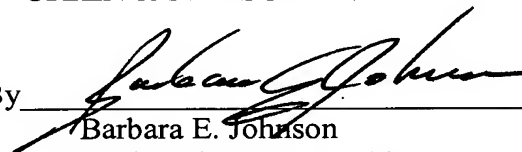
compound or a second compound, so it would not conceptually be possible for applicant to elect a first compound without a second compound or vice versa. To the extent that the Office Action dated October 3, 2003 may imply, on page 2, that election is being requested between the species of the first and second compound, Applicants hope that the above explanation makes it clear that the elected specie of the generic invention must include one of each of the first and second compounds. For this reason, Applicants are electing the specie in which the first compound is lysine and the second compound is arginine. For this reason also, all of pending claims 21-52 read on the elected combination of lysine as the first compound and arginine as the second compound.

Examination and allowance of claims 21-52 are respectfully requested.

Pursuant to 37 C.F.R. § 1.48(b), there is no change in inventorship as a result of this election.

Respectfully submitted,
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By



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